UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

NOV 12 2008

OFFICE OF PETITIONS

LAW OFFICE OF DALE B. HALLING, LLC
655 SOUTHPOINTE CT, SUITE 100
COLORADO SPRINGS CO 80906

In re Application of :
Kirstan Vandersluis, et. al. :
Application No. 09/992,791 : ON PETITION
Filed: November 19, 2001 :
Attorney Docket No. XAW-0103 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 20, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item 1.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the Final Office Action of September 10, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). *See* MPEP 711.03(c)(III)(A)(2). Since the amendment submitted on December 17, 2007 does not *prima facie* place the application in condition for allowance, the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b).

Further, Petitioner should note that the Examiner has responded to the Amendment after Final with an Advisory Action Form (copy enclosed).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

Brian W. Brown
Petitions Examiner
Office of Petitions

Enclosure: Examiner's Advisory Action Form

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/992,791	Applicant(s) VANDERSLUIS ET AL.	
	Examiner BARBARA N. BURGESS	Art Unit 2457	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
 a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

 NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: *NONE*.
 Claim(s) objected to: *NONE*.
 Claim(s) rejected: *1-18*.
 Claim(s) withdrawn from consideration: *NONE*.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see notes below.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

The Office notes the following argument(s):
(a) Prompt does not mention XML.
(b) Prompt does not mention anything about a bizdocument.
(c) Prompt does not mention anything about the bizdocument defining a data message.
(d) Prompt does not provide a client system the ablility to request a specific bizdocument.

Applicant's arguments have been considered but are not persuasive.

In response to:
(a) Prompt teaches the user accessing the Internet and processes HTML, XML, XSL, and other languages to generate images on the user's display. Prompt further teaches the user accesing directories/databases. Mapping, translating, encoding relational objects, such as tables, columns, attributes, into external format (XML) to be accessed by the user is taught. Directory/database information is encoded into a standard format, such as XML, and stored. This information is accessed by the user (paragraphs [0142, 0159, 0167-0169, 0174]). Therefore, Prompt indeed discloses XML.

(b)-(c) A bizdocument is a document or data containing business information.
Prompt teaches directories/databases storing data that can be used to drive e-commerce and e-business appication. Users can locate specific data records with specific information such as a sales total, an inventory level, price point from the directory/database. Prompt further teaches a company's sales representatives have need to access customer's expenditures, customer and vendor receivables, payables, purchases, and sales volume. This information is accessed using the directory/database (paragraphs [0024-0025, 01130121, 0124]).
Therefore, Prompt, undoubtedly, discloses bizdocuments defining a data message.

(d) Prompt teaches users browsing and/or searching the directory/database to find data needed. They can query with simple commands to search for information needed. With the address of a specific data record, a user can locate very specific information such as sales totals. Hierachical computing system, including one or more client computers, user stations, clients, enables users to request data from the directory/database (paragraphs [022, 0025, 0129, 0132, 0168-0169]).
Therefore, Prompt explicitly teaches the client system having the ability to request a specific bizdocument.

OIPE
JUN 20 2008
PATENT & TRADEMARK OFFICE

1 FWDAC
C.C

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:	Kirstan Vandersluis	EXAMINER:	Burgess, Barbara N
SERIAL NO.:	09/992,791	GROUP:	2157
FILED:	November 19, 2001	CASE NO.:	XAW-0103

ENTITLED: Method for Componentization of Electronic Document Processing

Law Offices of Dale B. Halling
655 Southpointe Court, Suite 100
Colorado Springs, CO 80906

June 13, 2008

PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 CFR 1.137 (b)

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

Applicants respectfully petition under 37 CFR 1.137 (b) that the application captioned above be revived as a pending application of one unintentionally abandoned.

A Petition to Revive an Unintentionally Abandoned Application must be accompanied by (1) a proposed response (unless previously filed), (2) a petition fee, (3) a statement that the abandonment was unintentional, and (4) any required terminal disclaimer. 37 CFR 1.137(b).

(1) A proposed response (copy enclosed) was previously filed on **December 11, 2007**.

(2) The petition fee is enclosed.

06/23/2008 LTRUONG 00000024 09992791

01 FC:2453 770.00 OP

(3) The entire delay in filing the required reply (one day late) from the due date of December 10, 2007 until the filing of the grantable petition was unintentional. The application clearly intended to file a responsive reply. However the PTO failed to

contact the applicant's attorney until May 15, 2008 (mailed) that the response was one day to late. Instead of asking for the money for a one month extension, the PTO decided the case had been abandoned. Note that the PTO has regularly failed to make its required deadlines in this case. For instance the case was filed in November of 2001 and the first Office Action was not received until February 2005. The PTO's first response was over 24 months late. The PTO did not pay the applicant for this delay. The lack of customer service from the PTO and the injustice of charging clients a fee for the delay in this case is unconscionable. The **applicant demands a refund of the difference between this petition and a the cost of a one month delay**.

(4) No terminal disclaimer is required for this case as the case was filed after June 8, 1995.

Applicants respectfully petition that the application captioned above be revived as a pending application.

Respectfully submitted,

(Vandersluis)

By _____
Attorney for the Applicant
Dale B. Halling
Registration No. 38,170
Customer No. 25,007
Phone: (719) 447-1990
Fax: (719) 447-0983

Certificate of Mailing

I hereby certify that a Petition is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on:

6-11-2008
Date

Signature

OIPE
JUN 20 2008
PATENT & TRADEMARK OFFICE

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:	Vandersluis	EXAMINER: Burgess, B. N.
SERIAL NO.:	09/992,791	GROUP: 2157
FILED:	November 19, 2001	CASE NO.: XAW-0103

ENTITLED: Method for Componentization of Electronic Document Processing

Law Offices of Dale B. Halling
655 Southpointe, Suite 100
Colorado Springs, CO 80906

December 10, 2007

REPLY UNDER 35 CFR 1.113

Honorable Commissioner of
Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action dated September 10,, 2007, the applicants hereby respond as follows:

In the Claims

1(Previously Presented). A method for processing and generation of data messages into components comprising the computer-implemented steps of: a. Define a BizDocument containing XML which defines a data message; b. Provide for the ability for Client systems to request a specific BizDocument; c. Upon receipt of a request for a BizDocument, read the BizDocument into an attached memory, perform processing on each element within the BizDocument according to a predefined computer language; d. Send the resulting contents of the attached memory to the requesting Client system.

2(Original). The method of claim 1 wherein the method further comprises the steps of providing the capability to define data sets called BizComponents associated to one or more elements of a message, a BizComponent having a definition that is stored in a separate file or module, or generated by some other process, and the capability of processing a BizComponent during the processing of elements within the BizDocument.

3(Original). The method of claim 2 wherein a BizComponent may include the definition of parameters for which the calling BizDocument or Client will provide actual values.

4(Original). The method of claim 3 wherein a BizComponent may accept a set of elements as input and may provide a set of elements as output.

5(Original). The method of claim 4 wherein a BizComponent may interact with a Server system, or other BizComponent, or other BizDocument to transfer data to or from that Server system.

6(Original). The method of claim 5 wherein a BizComponent may transform data between the required format of the Server system with which it interacts, and the desired format of a message;

7(Original). The method of claim 6 wherein a BizComponent may contain processing instructions which are processed according to a predefined computer language.

8(Original). The method of claim 7 wherein a BizComponent may be considered to belong to a class of BizComponents, and a computer program or code module designed to process BizComponents in that class may be loaded to process the BizComponent.

9(Original). The method of claim 8 wherein the method further comprises the steps of providing the capability for a BizComponent to access a Server system through an intermediate entity called a BizDriver, a BizDriver having a definition stored in a separate file or module, or generated by some other process.

10(Original). The method of claim 9 wherein a BizDriver may include the definition of parameters for which the calling BizComponent will provide actual values.

11(Original). The method of claim 10 wherein a BizDriver may accept a set of elements as input and may provide a set of elements as output.

12(Original). The method of claim 11 wherein a BizDriver may interact with a Server system, to transfer data to or from that Server system.

13(Original). The method of claim 12 wherein a BizDriver may contain processing instructions which are processed according to a predefined computer language.

14(Original). The method of claim 13 wherein a BizDriver may be considered to belong to a class of BizDrivers, and a computer program or code module designed to process BizDrivers in that class may be loaded to process the BizComponent.

15(Original). The method of claim 14 wherein the format of a BizDocument, BizComponent, and BizDriver may be Extensible Markup Language (XML).

16(Original). The method of claim 15 wherein a BizDocument may include the definition of parameters for which the calling Client will provide actual values.

17(Original). The method of claim 16 wherein a BizDocument may accept a set of elements as input and may provide a set of elements as output.

18(Original). The method of claim 17 wherein a BizDocument may contain processing instructions which are processed according to a predefined computer language.

Remarks

Claims 1-18 are at issue. Claims 1-18 stand rejected under 35 USC 102 (e) as being anticipated by Prompt (US Pub. No. 2006,0020586).

Final

The Final is inappropriate and **MUST BE WITHDRAWN**. The Patent Office cites a new reference in the present Office Action. No new search was required, because the amendment to the claims was merely to overcome an indefiniteness rejection. Making the present Office Action Final is not allowed under the rules of Patent Law and does not comport with due process.

Piecemeal Prosecution

The reference, Prompt (US Pub. No. 2006/0020586), if relevant should have been cited in the very first Office Action. The present application has had four Office Actions, three responses, a Pre-Appeal Brief, and Appeal Brief. The last Office Action only rejected the claims based on 35 USC 112 second paragraph. The applicant clearly overcame this rejection and should have received a Notice of Allowance. MPEP 707.07(g) and 37 CFR1.104 require that the PTO provide all valid grounds for rejecting the claims in an application in a single action. This piecemeal examination is not allowed under the law, is expensive for both the applicant and the PTO and a waste of resources and time of both the PTO and the applicant. The applicant demands that the Patent Office quit wasting the applicant's time and resources by citing more irrelevant prior art references.

35 USC 102 (e)

Prompt is concerned with an "Internet directory service or universal addressing scheme" Paragraph 0019. He is not concerned with a method of processing and generation of data messages into components. Prompt is clearly not directed to the same problem as the present application.

Claim 1 recites defining a bizdocument containing XML which defines a data message. The Patent Office points to paragraphs 0025, 0132 and 0159. Paragraphs 0025 and 0132 do not event mention XML. Paragraph 0159 does mention XML, but it describes a module for mapping relational objects into an XML format. This does not mention anything about the bizdocument defining a data message, just a format translator. Nor does it discuss that module contains XML.

Claim 1 recites "providing the ability of a client system to request a specific BizDocument". The Patent Office points to paragraphs 0132, 0137 & 0142. Paragraph 0132 only discusses a virtual directory service VDS. This cannot be the bizdocument since it does not contain XML, nor is a directory defining a data message. Paragraph 0137 just describes a client station and has absolutely nothing to do with a BizDocument. Paragraph 0142 just describes the main memory unit that may have a web browser that can process XML. This is not a Bizdocument that contains XML and defines a data message. Since none of these paragraphs describe anything analogous to a Bizdocument, they clearly do not provide a client system the ability to request a specific Bizdocument.

Claim 1 is clearly allowable. Prompt is no more relevant than the previous prior art cited. The Patent Office must quit stalling and allow the present application.

Claim 2 recites a Bizcomponent that is processed during the processing of the BizDocument. Since Prompt clearly does not have BizDocuments he cannot have BizComponents. Claim 2 is clearly allowable.

Claims 3-14 are allowable for the same reasons as claim 2.

Claim 15 recites that the format of the BizDocument, BizComponent and BizDriver are XML. Prompt does not show any executable components that have an XML format. Claim 15 is clearly allowable.

Claims 16-18 are allowable as being dependent upon an allowable base claim.

Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

(Vandersluis et al)

By _____

Attorney for the Applicant
Dale B. Halling
Phone: (719) 447-1990
Fax: (719) 447-9815
Reg. No. 38,170
Customer No. 25,007

I hereby certify that an Response is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450 Alexandria, VA 22313-1450 on:

12/11/07
Date

Signature (Dale Halling)